

Indiana Rules of Court

Rules for Admission to the Bar

and the Discipline of Attorneys

Including Amendments Received Through January 1, 2008

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Rule 12. Committee on Character and Fitness

- ✓ **Section 1.** The State Board of Law Examiners shall inquire into and determine the character, fitness and general qualifications to be admitted to practice law as a member of the bar of the Supreme Court of Indiana. It is a condition precedent to admission, whether upon examination or upon foreign license, that the Board report and certify to the Supreme Court that the applicant, after due inquiry, has been found to possess the necessary good moral character and fitness to perform the obligations and responsibilities of an attorney practicing law in the State of Indiana, and has satisfied all general qualifications for admission.
- ✓ **Section 2.** The applicant must be at least 21 years of age and possess good moral character and fitness to practice law. The applicant shall have the burden of proving that he or she possesses the requisite good moral character and fitness to practice law. The applicant has the absolute duty to inform the Board with full candor of any facts which bear, even remotely, upon the question of the applicant's character and fitness and general qualifications to practice law, which obligation continues from the date of application to the time of admission, and includes the obligation to promptly and to fully inform the Board of any such facts occurring or discovered prior to admission. The term "good moral character" includes, but is not limited to, the qualities of honesty, fairness, candor, trustworthiness, observance of fiduciary responsibility, and of the laws of this State and of the United States, and a respect for the rights of other persons and things, and the judicial process. Anyone who has been convicted of a felony prima facie shall be deemed lacking the requisite of good moral character as defined in this section. The term "fitness" includes, but is not limited to, the physical and mental suitability of the applicant to practice law in Indiana. In satisfying the requirements of good moral character and fitness, applicants should be persons whose record of conduct justifies the trust of clients, adversaries, courts and others with respect to the professional duties owed to them, and whose record demonstrates the qualities of honesty, trustworthiness, diligence, or reliability. In the determination of good moral character and fitness, relevant considerations may include, but are not limited to the following: unlawful conduct; academic misconduct; making of false statements, including omissions; misconduct in employment; acts involving dishonesty, fraud, deceit or misrepresentation; abuse of legal process; neglect of financial responsibilities; violation of an order of a court; evidence of mental or emotional instability; evidence of drug or alcohol dependency; denial of admission to the bar in another jurisdiction on character and fitness grounds; and disciplinary action by a lawyer disciplinary agency or other professional disciplinary agency of any jurisdiction.

General qualifications are those requirements to be admitted to the practice of law established by these rules, other than those dealing with examinations and character and fitness.

Section 3. No person who advocates the overthrow of the government of the United States or this state by force, violence or other unconstitutional or illegal means, shall be certified to the Supreme Court of Indiana for admission to the bar of the court and a license to the practice of law.

Section 4. There shall be appointed by this Court a Committee on Character and Fitness in each Supreme Court judicial district, consisting of at least one attorney-at-law from each county in such district. The members of such committee shall continue in office until their successors are appointed. The State Board of Law Examiners shall send a copy of each application for admission to the bar of this state to the local member of the Committee on Character and Fitness in the Indiana county which the applicant selects. A member of the committee, or some member designated by the State Board of Law Examiners, shall require the personal attendance of each applicant before the member, and inquire into the question as to whether or not the applicant is possessed of those requisites of good moral character and fitness, has adequate knowledge of the standards and ideals of the profession, and is familiar with and agrees to be bound by the Indiana Supreme Court Rules of Professional Conduct, all as necessary to qualify him to serve as an attorney. The member of the committee shall make such further inquiry into the matter as the member sees fit. At least thirty (30) days before the examination, the member of the committee conducting the inquiry, or promptly, if upon application for admission upon foreign license, the Board member conducting the inquiry shall make a finding: (1) That the applicant is familiar with and agrees to be bound by the Indiana Supreme Court Rules of Professional Conduct and that such Applicant is a person of good moral character and is fit to practice law in Indiana; or (2) That the member is unable to certify that the Applicant is a person of good moral character and is fit to practice law in Indiana, setting forth the reasons for this conclusion; or (3) That there is some question as to the Applicant's good moral character and/or fitness to practice law in Indiana and therefore recommends that the State Board of Law Examiners conduct a personal inquiry with the Applicant, stating the reasons for the member's conclusion. The committee member shall forward such findings and recommendations and all papers filed in connection therewith to the State Board of Law Examiners, which Board shall at its next meeting review said findings, make such further inquiry as it sees fit, and take such action as the matter requires.

Section 5. The Board may, upon its own motion, require an applicant to appear before the full Board, or a committee composed of members of the Board, for inquiry into the applicant's character and fitness. The Board may continue such appearance and require that the applicant submit additional information, evaluations or proofs before concluding such appearance.